

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

MAR 23 11:23

Case Number: 12 MJ-621

A USPS Express Mail parcel with tracking number EI332503373US addressed to "Casey Therrian, 400 Dakota ST, Oshkosh, WI 54902" and containing the return address "Brenda Baily, 1895 H Street APT #2, Arcata, CA 95521, 323-219-4975."

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Express Mail parcel with tracking number EI332503373US addressed to "Casey Therrian, 400 Dakota ST, Oshkosh, WI 54902" and containing the return address "Brenda Baily, 1895 H Street APT #2, Arcata, CA 95521, 323219-4975."

currently located Oneida, WI in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).


The application is based on these facts:

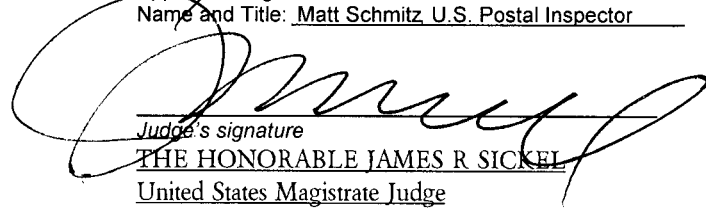
- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 3/23, 2012

City and state: Green Bay, Wisconsin


Applicant's signature
Name and Title: Matt Schmitz U.S. Postal Inspector


Judge's signature
THE HONORABLE JAMES R SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

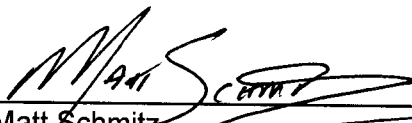
1. I have been employed by the United States Postal Inspection Service for approximately eight years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
2. This affidavit is submitted in support of an application for a search warrant for a 8 inch by 8 inch by 8 inch Express Mail parcel EI332503373US, mailed on March 20, 2012, from Arcata, CA 95521. This parcel bears addressee and return address information handwritten in blue ink. The parcel is addressed to "Casey Therrian, 400 Dakota ST, Oshkosh, WI 54902" and bears a return address of "Brenda Baily, 1895 H Street APT #2, Arcata, CA 95521, 323-219-4975." The parcel weighs approximately 1 lb. 1 oz. and bears \$34.45 in postage.
3. On March 20, 2012, I was conducting a review of US Postal Service records that showed the transport status of Express Mail parcels destined for zip code 54902, an Oshkosh, WI zip code. As part of my duties in investigating the distribution of controlled substances via the US Mail, I regularly research USPS records regarding the transport of Express Mail parcels to locations in Wisconsin that have or are suspected of receiving controlled substances via the US Mail. I

know from conducting previous controlled substance investigations that individuals mailing controlled substances commonly use Express Mail considering it is the fastest method of shipping available through the Postal Service and allows an individual to track the shipping status. I also know from these investigations that many parcels found to contain controlled substances, namely, marijuana, have been mailed from post offices in California and that these parcels commonly weigh in excess of at least one pound. During this review I located Express Mail parcel EI332504379US and saw it had been mailed from Arcata, CA 95521 on 3/19/2012, weighed approximately 4 pounds, 4.3 ounces, and was destined for delivery in Oshkosh, WI on March 21, 2012. Upon further examination of this parcel's exterior, I saw it was addressed to "Casey Therrian, 400 dakota ST, Oshkosh, WI 54902" and contained a return address of "Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008."

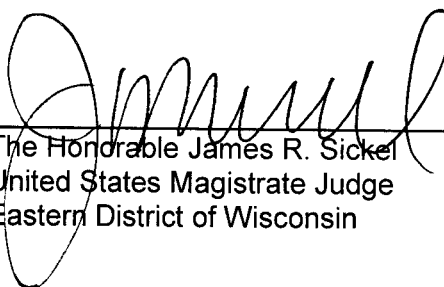
4. On March 21, 2012, US Magistrate Judge James Sickel authorized a federal search warrant to examine the contents of Express Mail parcel EI332504379US. On March 21, 2012, I executed this warrant and found Express Mail parcel EI332504379US contained four vacuum sealed bundles of a green leafy substance with each bundle labeled "OG Kush" or "OG Skunk." The total weight of the four bundles including the wrapping was approximately 1602 grams. I tested some of the green leafy substance from one of these four bundles using the Duquenois-Levine Reagent field test kit and received a positive test for the presence of THC, the active ingredient in marijuana.
5. On March 22, 2012, I received information from the Oshkosh, WI Post Office that a second Express Mail parcel with tracking number EI332503373US had arrived at their office and was addressed to Casey Therrian, 400 Dakota St, Oshkosh, WI 54902. I learned from the Oshkosh Post Office that this second Express Mail parcel was mailed from the Arcata, CA Post Office on March 20, 2012.

6. On March 22, 2012, I traveled to the Oshkosh, WI Post Office and examined the exterior of Express Mail parcel EI332503373US. I saw it was addressed to "Casey Therrian, 400 Dakota ST, Oshkosh, WI 54902" and contained a return address of "Brenda Baily, 1895 H Street APT #2, Arcata, CA 95521." I saw that the address information written on Express Mail parcel EI332503373US appeared to match the same style of handwriting used to write the address information on Express Mail parcel EI332504379US. On March 23, 2012, I queried the name "Brenda Baily" and address "1895 H Street Apt #2, Arcata, CA 95521" using the Accurant law enforcement database and received information that showed no one with the name "Brenda Baily" was known to be associated with an address in Arcata, CA. I know from conducting previous controlled substance investigations that individuals mailing controlled substances commonly use a fictitious and/or altered name on the return address in an attempt to avoid detection by law enforcement.
7. On March 22, 2012, I contacted Oshkosh K-9 Officer Brian Denor who agreed to assist with presenting Express Mail parcel EI332503373US to a dog sniff. Officer Denor is a trained handler of a certified drug detection dog named "Sony." Officer Denor explained that Sony is trained in detecting the presence of marijuana, cocaine, heroin, methamphetamine, and ecstasy, and was last certified in detecting narcotics in November of 2011. Consistent with Officer Denor's training and direction, I placed Express Mail parcel EI332503373US in a line among four other empty and similarly sized boxes along a wall in a vacant hallway of the Postal Inspection Service office in Oshkosh, WI. Officer Denor and Sony examined the hallway and Officer Denor said Sony alerted to the presence of controlled substances in the subject Express Mail parcel (Express Mail parcel EI332503373US). Officer Denor said Sony did not alert to the presence of controlled substances in any of the other boxes or areas of the hallway in which the examination was conducted. Following the dog sniff, I retained custody of the parcel and currently have it in my possession at the US Postal Inspection Service Office in Oneida, WI.

8. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.
9. For these reasons, there is probable cause to believe that Express Mail parcel EI332503373US contains controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the purchase of controlled substances. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.


Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 23 day of March, 2012.


The Honorable James R. Sickel
United States Magistrate Judge
Eastern District of Wisconsin